

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 23-40892

COURTNEY MARIE MASON,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER MODIFYING THE ORDER FILED MAY 24, 2023 CONDITIONALLY
DISSOLVING SHOW CAUSE ORDER (DOCKET # 31)**

This case came before the Court for a telephonic hearing on May 24, 2023, on the Court's order entitled "Order To Show Cause on Dismissal of Case For Failure to Pay Filing Fee," filed on May 10, 2023 (Docket # 28 the "Show Cause Order"). The Debtor's attorney appeared at the hearing. The Debtor did not appear, despite having been ordered to do so. No one else appeared at the hearing. For the reasons stated by the Court on the record during the hearing, the Court entered an order on May 24, 2023, entitled "Order Conditionally Dissolving the Show Cause Order" (Docket # 31, the "May 24 Order"). That Order stated, in pertinent part, the following:

IT IS ORDERED that the Show Cause Order is dissolved, on the following condition. **No later than June 23, 2023**, the Debtor must pay in full the \$338.00 filing fee for this case, or this case will be dismissed without further notice or hearing.

The Debtor did not pay the filing fee by the June 23, 2023 deadline, and as of now the Debtor still has not paid any part of that filing fee. Normally, this would result in the Court entering an order dismissing this case, and barring the Debtor from filing any new bankruptcy case unless and until the Debtor first pays in full the \$338.00 unpaid filing fee for this case.

In this case, however, the Court will take a different approach. Although the Chapter 7 Trustee did not appear at the May 24, 2023 show cause hearing, for reasons unknown, it appears that the Trustee is in the process of administering assets for the benefit of the estate and the creditors in this case. It is not in the best interests of the estate or the creditors for the Court to dismiss this case. Rather, the Court concludes that the case should remain pending, so that the Trustee can continue to administer assets.

Yet the filing fee for this case must be paid, and ultimately it is the Debtor's responsibility to pay that filing fee. Accordingly, the Court finds good cause to enter this Order.

IT IS ORDERED that:

1. The May 24 Order (Docket # 31) is modified and superceded by this Order.
2. The Show Cause Order (Docket # 28) is dissolved, on the conditions stated in this Order.
3. **No later than July 12, 2023**, the Debtor must pay in full the \$338.00 filing fee for this case.
4. If the Debtor does not pay the filing fee in full by the July 12, 2023 deadline, the Court will enter an order denying the Debtor a discharge under 11 U.S.C. § 727(a)(6)(A) and 11 U.S.C. § 105(a), without further notice or hearing. *See also* Fed. R. Bankr. P. 1006.
5. After July 12, 2023, and if and when the Trustee recovers funds that are property of the bankruptcy estate in this case of at least \$338.00, and if and to the extent that the Debtor by then has not paid the filing fee in full, the Trustee must promptly pay to the Clerk of this Court the unpaid filing fee for this case, from the funds that are property of the bankruptcy estate. If the Trustee fails to comply with this paragraph of this Order, the Court may dismiss this case, without further notice or hearing.
6. If and to the extent the Trustee is required to pay the filing fee under the terms of this Order, and does so, then the bankruptcy estate will have a claim against the Debtor for the filing fee amount paid by the Trustee.¹
7. If this case is ever dismissed or closed without the filing fee having been paid in full, the Court will enter an order barring the Debtor from filing any new bankruptcy case unless and until the Debtor first has paid the filing fee for this case.

Signed on June 28, 2023



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge

¹ This is so because payment of the filing fee is the Debtor's obligation in the first instance.